



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 26, 1991

Mr. Richard M. Abernathy
Abernathy, Roeder, Robertson & Joplin
101 East Davis Street
P. O. Box 576
McKinney, Texas 75069-0576

OR91-150

Dear Mr. Abernathy:

You ask, on behalf of Collin County Community College, whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 11557. You ask in particular whether the descriptions of legal services in certain legal bills submitted to the college may be withheld from disclosure. We have reviewed the documents at issue and conclude that the descriptions of legal services in the bills may be withheld pursuant to section 3(a)(3).

The contents of the itemized bills relate to work performed by attorneys on behalf of the college with regard to the substance of the complaints filed against the college with the Office of Civil Rights, United States Department of Education. In addition to the filing of the complaints, which are still pending, you advise us that one of the complainants has publicly threatened suit against the college and has hired various attorneys. These facts satisfy the section 3(a)(3) test for non-disclosure that information must be related to pending or reasonably anticipated judicial or quasi-judicial litigation to which the governing body is or will be a party. See Open Records Decision Nos. 551 (1990); 493 (1988) (copies enclosed); see also Open Record Decision Nos. 575, 574 (1990) (copies enclosed). If, however, the records become available to the opposing parties, by discovery or otherwise, they will no longer be within the section 3(a)(3) exception. Open Records Decision No. 349 (1982).

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a

published open records decision. If you have questions about this ruling, please refer to OR91-150.

Yours very truly,



Celeste A. Baker
Assistant Attorney General
Opinion Committee

CAB/lcd

Ref.: ID# 11557

Enclosures: Open Records Decision Nos. 575, 574, 551, 493, 349.

cc: Lisa V. Tanner
Plano Star Courier
801 East Plano Parkway
P. O. Box 860248
Suite 100
Plano, Texas 75086